

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
SEPTEMBER 13, 2016**

MAYOR'S STATEMENT: Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of the Annual Meeting Notice of January 2, 2015 and was forwarded to the Star Ledger, Courier News and Home News, and posted at Borough Hall.

SALUTE TO THE FLAG

ROLL CALL

Mayor	Ron DiMura
Council President	Sean Kaplan (late)
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk (absent)

Attorney: Aravind Aithal

Mayor DiMura stated that the Structural Analysis for 105 William Street in his report and the Plainfield Property in Mountain View Park on the Agenda Workshop Items will be moved to executive session.

Mayor DiMura welcomed Borough Administrator Brandon Goldberg to the Borough of Middlesex.

PRESENTATIONS-NONE

APPOINTMENTS-NONE

PROCLAMATIONS-NONE

NEW BUSINESS

The Borough Clerk read Ordinance No. 1896-16 by title for introduction:

ORDINANCE 1896-16

**AN ORDINANCE ESTABLISHING THAT A BUSINESS ENTITY
WHICH MAKES POLITICAL CONTRIBUTIONS TO BOROUGH
CANDIDATES AND POLITICAL PARTIES IN EXCESS OF
CERTAIN THRESHOLDS SHALL BE LIMITED IN ITS ABILITY
TO RECEIVE PUBLIC CONTRACTS FROM THE BOROUGH OF**

MIDDLESEX.

WHEREAS, large political contributions from those seeking or performing contracts with a municipality raise reasonable concerns on the part of taxpayers and residents as to their trust in government and its business practices; and

WHEREAS, pursuant to P.L. 2005, c.271 (codified at N.J.S.A. 40A:11-51) a municipality is authorized to adopt by ordinance, measures limiting the awarding of public contracts to business entities that have made political contributions, and limiting the contributions, and that the recipient of such a contract can make during the term of a contract; and

WHEREAS, in the interest of good government, the people and the government of the Borough of Middlesex desire to establish a policy that will avoid the perception of improper influence in public contracting and local elections; and

WHEREAS, it shall be the policy of the Borough of Middlesex to create such a regulation which states that a Business Entity which makes political contributions to municipal candidates and municipal political parties in excess of certain thresholds shall be limited in its ability to receive public contracts from the Borough of Middlesex;

NOW, THEREFORE, BE IT HEREBY ORDAINED, by the Council of the Borough of Middlesex in the County of Middlesex and State of New Jersey, as follows:

Section I:

As used in this Ordinance, a "Business Entity" whose contributions are regulated by this Ordinance means: (i) an individual including the individual's spouse, and any child/children; (ii) a firm, corporation, professional corporation, partnership, limited liability company, organization, association and any other manner and kind of business entity; (iii) any person who owns 10% or more of the equity or ownership interests in a person or entity as defined in sections (i) and (ii) above and their spouses and child/children; (iv) all partners or officers of such entity, in the aggregate, and their spouses and child/children; (v) any organization or association who has received or indefeasibly acquired the right to receive, from a person that is described in subparagraph (i) above, more than \$150,000.00 in compensation or income of any kind (including, by way of illustration, and not limitation: wages, salaries, sums paid to independent contractors, benefits, dividends, profit-sharing, pension contributions, deferred contributions, stock, stock options or gift(s), in any twelve (12) month period prior to the award of, or during the term of, a contract subject to this ordinance; and (vi) all persona who are an "affiliate of a business entity as defined in sections (i), (ii) and (v) above, as such term is used in 11 U.S.C. 101(2).

Section II:

Notwithstanding the provisions of any other law to the contrary:

- (a) the Borough shall not enter into a contract having an anticipated value in excess of \$17,500, as determined in advance and certified in writing by the municipality with a business entity,

except a contract that is awarded pursuant to a fair and open process, if, during the preceding one-year period, that business entity has made a contribution that is reportable by the recipient under P.L.1973, c.83 (C.19:44A-1 et seq.), to any municipal committee of a political party in the Borough if a member of that political party is serving in an elective public office of the Borough when the contract is awarded or to any candidate committee of any person serving in an elective public office of the Borough when the contract is awarded; and

(b) a business entity that has entered into a contract having an anticipated value in excess of \$17,500 with the Borough, except a contract that is awarded pursuant to a fair and open process, shall not make such a contribution, reportable by the recipient under P.L.1973, c.83 (C.19:44A-1 et seq.), to any municipal committee of a political party in the Borough if a member of that political party is serving in an elective public office of the Borough when the contract is awarded or to any candidate committee of any person serving in an elective public office of the Borough when the contract is awarded, during the term of that contract.

No such committee shall accept such a contribution from a business entity during the term of its contract with the municipality.

SECTION III:

If any provision of this Ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

SECTION IV:

All ordinances or parts of ordinances, which are inconsistent with any provisions of this Ordinance is/are hereby repealed to the extent of such inconsistencies.

SECTION V:

This Ordinance shall become effective twenty (20) days following the final adoption thereof by the Borough Council and shall be published as required by law.

Councilman Schueler made a motion for introduction seconded by Councilman Corley and carried by the following roll call vote: Ayes: Greco, Corley and Schueler. No: None. Abstain: Madden.

The Borough Clerk read Ordinance No. 1897-16 by title for introduction:

ORDINANCE NO. 1897-16

**AN ORDINANCE TO AMEND CHAPTER 317 PROPERTY MAINTENANCE TO INCLUDE
ARTICLE III REGULATING OF BAMBOO, SECTION 317-16 – SECTION 317-20 IN THE
CODE OF THE BOROUGH OF MIDDLESEX**

WHEREAS, pursuant to N.J.S.A. 40:48-1, the governing body of a municipality may make, amend, repeal, and enforce ordinances to manage regulate and control the finances and property of the municipality; and

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Middlesex, County of Middlesex, State of New Jersey as follows:

SECTION ONE. The Code of the Borough of Middlesex, Middlesex County, New Jersey is hereby amended to the following:

**ARTICLE III
REGULATING OF BAMBOO**

§317-16 Purpose.

This Ordinance is adopted to control the planting, cultivating and/or growing of bamboo in the Borough of Middlesex and to require barriers to prevent the spread of existing bamboo into other areas of the Borough.

§317-17 Regulation of the Planting, Growing or Cultivating of Bamboo.

Subject to certain exemptions set forth in this Ordinance, no persons, residents, citizens, property owners and/or tenants of property within the Borough shall plant, cultivate, or cause to grow, any bamboo on any lot and/or parcel of ground anywhere within the geographic boundaries of the Borough of Middlesex, except for:

1. Where the root system of such bamboo plant(s) is/are entirely contained within an above ground level planter, barrel, or other vessel of such design, material and location as to entirely prevent the spread of growth of the bamboo plants' root system beyond the container in which it is planted,
2. Whether planted or growing in a container, as described herein, all bamboo plants shall be located, trimmed and maintained so that no part of the plant shall be closer than fifteen (15) feet from any property line, and shall not be permitted whatsoever in the front yard area of any property.

§317-18 Exemptions.

This Ordinance shall not apply to any land owner or possessor of said land who, prior to the effective date of this Ordinance, has planted or caused to grow any bamboo on any property within Borough limits unless the code enforcement officer determines on her own, or upon complaint from any abutting or nearby property owner, that any portion of such bamboo has been allowed to grow upon, extend roots across, or extend branches, stalks or leaves over any

public way or any private property not owned by or in the possession of such land owner or any possessor of said land. If such occurs, the provisions of Section D, herein, shall apply.

§317-19 Complaint Notice, Order for Removal and Compliance.

Whenever a complaint is received by the Borough regarding the encroachment of any bamboo plant or root, or whenever the Borough, on its own observations and inspections, determines that there is an encroachment of bamboo plants or roots on to the property of another land owner, or tenant in possession of the property, or both, the Borough shall cause Notice to be served and the following actions occur:

1. The Notice shall be mailed by Certified Mail, Return Receipt Requested, properly addressed and with sufficient postage, and also by First Class mail. Notice by Certified Mail and by First Class mail shall be deemed complete on the date dispatch.
2. The Notice shall specify the general nature of the violation(s).
3. The Notice shall state that the violation(s) must be corrected within twenty (20) calendar days from the date of dispatch of such Notice
4. The Notice shall state specifically what must be done by the responsible party to correct the violation(s).

§317-20 Penalties.

A person deemed to have violated any provisions of this Ordinance shall be fined as outlined in §317-13 herein. If the violation is not remedied within the time set forth in the aforesaid Notice, the provisions of §317-14 shall apply.

SECTION TWO. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

SECTION THREE. This Ordinance may be renumbered for codification purposes.

SECTION FOUR. In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

SECTION FIVE. This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Councilman Madden made a motion for introduction seconded by Councilman Corley and carried by the following roll call vote: Ayes: Greco, Corley, Madden and Schueler. No: None. Abstain: None.

The Borough Clerk read Ordinance No. 1898-16 by title for introduction:

ORDINANCE NO. 1898-16

AN ORDINANCE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AMENDING THE BOROUGH ZONING CODE CHAPTER 420, ARTICLE VIII, PERFORMANCE STANDARDS, ARTICLE IX SIGNS AND DEFINITIONS

WHEREAS, the Municipal Land Use Law of the State of New Jersey, N.J.S.A. 40:55D-1, et seq., grants to municipalities the power to adopt a Zoning Ordinance relating to the nature and extent of the uses of lands, buildings and structures thereon; and

WHEREAS, over the past several years there have been significant changes in the lighting industry which make it easier to limit light spillage, accurately direct light to where it is needed, and reduce electrical usage while still providing the appropriate lighting for residential, business and recreational uses; and

WHEREAS, the Borough desires to update its Ordinances regarding lighting to provide an appropriate balance between the need for lighting in certain circumstances and the desire to reduce glare, prevent intrusion of unwanted light into neighboring properties, and protect the safety of our citizens where light glare may create safety issues such as on public roadways; and

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Middlesex, County of Middlesex, State of New Jersey as follows:

SECTION 1. The following shall replace Borough Code §420-60 F, regarding performance standards and glare:

F. Lighting:

(1) Purpose. Regulation of outdoor lighting and recreational lighting is necessary to prevent the cause of unnecessary sky glow, to prevent light intrusion and to reduce unnecessary glare caused by inappropriate or misaligned light fixtures and/or the inappropriate location of light poles. These standards are intended to save energy and reduce costs and to preserve and protect adjacent properties and motorists from negative lighting impacts.

(a) All municipally owned property shall be exempt from the provisions of the lighting section of this ordinance.

(2) Standards. All outdoor light fixtures installed and thereafter maintained, shall comply with the following requirements:

(a) The maximum height of all light fixtures shall not exceed fifteen (15) feet, except in commercial and industrial properties the height of light fixtures shall not exceed twenty-five (25) feet.

(b) Site lighting shall not include any up lighted fixture, however decorative landscape lighting shall be permitted provided it is shielded to prevent light intrusion and glare.

(c) All light fixtures shall be designed, installed and maintained to prevent light intrusion.

(d) Any business or commercial process producing intense glare or flashing lights shall be performed within a completely enclosed building and in such a manner that no glare shall disseminate beyond the building.

(f) Exception: Light fixtures used to illuminate the State or the National flag mounted on a pole, pedestal or platform shall use a narrow column beam of light that will not extend beyond the maximum extensions of the illuminated object.

(g) Only shielded light fixtures shall be used. Any fixture mounted above ten (10) feet shall have no more than ten (10%) percent of its light distribution at a vertical angle of eighty (80) degrees above nadir (the lowest point) and two and five-tenths (2.5%) percent at an angle of ninety (90) degrees above nadir (the lowest point).

(h) Where used for commercial and industrial purposes or for sports or recreational facilities, all light fixtures shall be equipped with automatic timing devices and shall comply with the following:

[1] Externally illuminated building identification or other signs shall only use shielded light fixtures mounted on top of the sign structure, however monument type signs may be lit from the ground provided adequate shielding is provided around the ground light to prevent glare and light intrusion [2] All other outdoor lighting shall use shielded light fixtures.

(i) Illumination levels shall not exceed those recommended in the IESNA Lighting Handbook, 8th Edition, as amended from time to time. These regulations provide the maximum permissible light level, it may be appropriate to use lighting levels less than the maximum specified in the IESNA.

(j) The design and installation of outdoor lighting on a site shall be constructed so as to conform to the following standards:

[1] All outdoor lighting, during non-operating hours of the business on site, and not necessary for safety and security purposes shall be reduced, activated by motion-sensor devices or turned off. Building mounted business identification and trademark signs may remain on beyond business hours, however freestanding signs shall be turned off after business hours.

[2] All lighting shall be designed to prevent misdirected or excessive artificial light.

(k) All light fixtures shall be designed, installed and maintained to prevent light intrusion.

(l) Luminance requirements.

[1] Street Lighting. Average maintained luminance shall not exceed IESNA recommendations. IESNA average to minimum luminance uniformity ratios are to be used for design roadway lighting.

[2] Outdoor Parking Facilities. Average maintained luminance and uniformity ratios shall not exceed IESNA recommendations.

[3] Walkways. Maximum average foot-candles shall be as follows:

(i) Sidewalks (roadside):

a. Commercial: one and zero-tenths (1.0).

b. Residential: two-tenths (0.2).

[4] All outdoor lighting on commercial or industrial properties that are adjacent to or across the street from residential districts and/or residential uses must employ lighting techniques to mitigate the impact of the outdoor lighting on the residential districts or uses.

(m) The style of the light and light standards shall be consistent with the architectural style of the principal building or surrounding area

(n) Floodlight-type fixtures shall be prohibited except in residential properties where flood lights on motion sensors may be used for home security purposes.

(o) Freestanding lights shall be so located and protected to avoid being damaged by vehicles.

(p) The maximum illumination at property lines shall be one-tenth (0.1) foot-candle at grade.

(q) All wiring shall be laid underground.

(r) No lighting shall be of a yellow, red, green or blue beam nor be of a rotating, pulsating or other intermittent operation.

(s) Bare bulbs, tubes and rope lights and strip lights are prohibited.

(t) Light Intrusion. No single standard for glare or light intrusion is promulgated in this chapter due to the impracticality of establishing such standards. It is the intent of these performance standards to ensure that both direct and indirect glare, to the extent possible, are eliminated or that activities producing such glare are carried on within a structure. Necessary glare-producing devices such as glazing, roadway and walkway lighting shall be designed, constructed and maintained in such a manner as not to be a nuisance to surrounding uses.

SECTION 2. The following shall be added to Borough Code § 420 -61(D) (2) (e) regarding the illumination of signs:

[1] Internally illuminated signs shall have characters, letters, figures and designs which are illuminated by electric lights as part of the sign proper.

[2] Signs lit by external sources shall be allowed but shall be located in such a manner so as to avoid any glare on adjacent property. Sources of sign illumination shall be completely shielded from the view of vehicular traffic using the road or roads abutting the lot on which the sign is located.

[3] External lights used for the illumination of any sign on a building whether or not such light fixtures are attached to or separate from the building, shall not extend above the highest elevation of the front wall of the building or more than eighteen (18) feet above the street level of the premises, whichever is less.

[4] No electric wiring associated with a sign shall be visible to public view.

[5] No signs using bare bulbs, rope lights, tubing or strip lights shall be permitted.

[7] No sign shall be lighted by means of a flashing light, nor shall any sign be in whole or in part moving, mobile or revolving or electrically or mechanically activated.

[8] No electric message centers shall be permitted and no other sign shall be allowed with optical illusion of movement by means of a design which presents a pattern capable of reverse perspective, giving the illusion of motion or changing of copy.

[9] Signs on municipally owned property are exempt from the provisions of this ordinance.

[10] Business signs may be either internally or externally illuminated however no business or commercial establishments or structures used for business or commercial activities shall be permitted to outline windows, doors, signs or any other framework with string lighting, flashing lighting or continuous lighting of any type. All lighted signage used by any business or commercial establishment within the RT zone shall be extinguished no later than 10:00 pm.

SECTION 3. The following shall be added to Borough Code § 420 -61 (E) (9) Prohibited Signs and Sign Features.

420-61.E (9) . Prohibited Signs and Sign Features. No business or commercial establishments or structures used for business or commercial activities shall be permitted to outline windows, doors, signs or any other framework with string lighting, flashing lighting or continuous lighting of any type.

SECTION 4. The following shall be added to the definition section of the Zoning Ordinance in the Borough Code at §420-7:

ELECTRONIC MESSAGING CENTERS - Any sign or portion of a sign that uses changing lights to form a sign message or messages in text or graphic form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

SECTION 5. All Ordinances or parts of Ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

SECTION 6. In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such a holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

SECTION 7. This Ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final form of adopted ordinance by the Clerk with the Middlesex County Planning Board pursuant to N.J.S.A. 40:55D-16.

Councilman Schueler made a motion for introduction seconded by Councilman Madden and carried by the following roll call vote: Ayes: Greco, Corley, Madden and Schueler. No: None. Abstain: None.

PUBLIC HEARING-NONE

ADOPTION OF MINUTES

Councilman Greco moved to approve the August 16, 2016 Regular Meeting Minutes and Executive Meeting Minutes seconded by Councilman Schueler and carried by a unanimous vote of Council.

REPORTS

Mayor

1. Request for a Municipal Resolution of the Proposed Detour for the Replacement of Bridge/Raritan Avenue over Ambrose Brook – The Mayor indicated that the County will be starting new construction of the Raritan Avenue Bridge on the corner of Raritan Avenue and Route 28 in the Spring, 2017 and our Police Department is currently reviewing the detour plan.
2. Structural Analysis for 105 William Street – Mayor DiMura moved this matter to Executive Session.
3. Purchasing Agent – Mayor DiMura indicated that he would like to advertise for a part time purchasing agent, because without a QPA the borough is unable to make purchases over \$17,500 without going out to a formal bid. Council approved posting for a QPA at this time, and the Mayor indicated that in the future a borough employee might want to get certified.
4. Reconstruction of Bonnie Brook Terrace – This project was originally part of the mill and pave project this year, as there is an erosion problem with the road. Originally it seemed that only one side of the road was eroded and now we have found that the entire road is now compromised with erosion. There seems to have been a faulty drain when it was done and now there is an issue of safety. The Mayor would like permission to go out to bid for the whole project, which is estimated to cost

approximately \$380,000. Mayor DiMura feels that we should be able to get a better price for this project from the contractors due to the Transportation Trust Fund issue. Council approved the engineer going out to bid for the reconstruction of Bonnie Brook Terrace.

REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance – Councilman Schueler had nothing to report.
2. Recreation/Recreation Fields/Water & Light
 - A. Recreation Commission budget analysis report - On August 9, 2016, I met with the department head, Dina to discuss in detail the budget. We discussed both the trust account and the O & E accounts. Certain line items were discussed in detail such as “supplies”, “education and training”, “sporting good supplies” and “umpires and referee” disbursements. Each line item carries the appropriate expense schedule for this time in the budget year. No anomalies were found.
 - B. Swim Pool budget analysis report. I met with Jim Grimm on August 18, 2016 to discuss the budget. Most of the line items were usual and customary for this time of year. However there were some extraordinary items that were not initially accounted for due to primarily unknown factors such as additional engineering and legal fees. Due to the surplus of funds available these expenditures were covered.
3. Fire/OEM/Board of Health/Rescue Squad/Flood – Councilman Kaplan was not present at this time.
4. Public Works/Parks/Sanitation/Recycling – Councilman Corley had nothing to report.
5. Police/Legal/Code Enforcement/Construction/Municipal Court - Councilman Mikolajczyk is on vacation, therefore, there was nothing reported.
6. Administration/Department of Senior Services/Legislation/Licensing – Councilman Greco had nothing to report.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Consent Agenda 2016(U)

WHEREAS, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

WHEREAS, the Mayor and Council of the Borough of Middlesex wish to remove Resolution #188-16 from this Consent Agenda.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the following resolutions on the Consent Agenda are hereby approved and adopted.

Resolution #187-16
Resolution #189-16 - #192-16

Councilman Greco made a motion for approval seconded by Councilman Madden and carried by the following roll call vote: Ayes: Greco, Corley, Madden and Schueler. No: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #187-16

Biondi's Florist & Greenhouses, located at 601 Union Avenue in Middlesex, NJ 08846, is exempt from any sanitary sewer charges as the water meter numbered 60817051 has no sewer connection and is a designated water line for the use of watering and irrigation for the greenhouse only.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #188-16

WHEREAS, Prestige Environmental Inc. on behalf of Pumping Services Inc. has provided a copy of the Temporary Discharge Approval Application for a Dual Phase Extraction (DPE) remediation system that will remove both shallow groundwater and soil vapor using a single high vacuum process with a discharge of treated groundwater, to the MCUA Central Treatment Plant, via the Middlesex Borough wastewater collection system and the MCUA Middlesex Meter Chamber, from the Pumping Services Inc. location at 201 Lincoln Boulevard; and

WHEREAS, Prestige Environmental Inc. is required to have the Borough's approval on a yearly basis for discharge of treated groundwater from the Pumping Services Site to the MCUA Central Treatment Plant via the Borough of Middlesex wastewater collection system and MCUA Middlesex Meter Chamber.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey that:

1. Middlesex Borough hereby approves the execution of the Middlesex County Utilities Authority Temporary Discharge Approval Application for the discharge of treated groundwater from the Pumping Services Site to the MCUA Central Treatment Plant via the Borough of Middlesex wastewater collection system and MCUA Middlesex Meter Chamber.
2. This resolution shall take effect immediately.

Councilman Schueler made a motion for approval seconded by Councilman Madden and carried by the following roll call vote: Ayes: Kaplan, Corley, Madden and Mikolajczyk. No: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #189-16

The Governing Body hereby approves and accepts the Corrective Action Plan on the 2015 Audit, according to Local Finance Board Directive 92-15.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #190-16

WHEREAS, Orlando Investments was issued a street opening permit on 4/23/15; and

WHEREAS, Orlando Investments deposited \$2500.00 with the Borough of Middlesex to ensure proper repair and maintenance of the roadway; and

WHEREAS, said roadway at 448 Voorhees Ave. was inspected by Dan Niro, Plumbing Inspector, and found to have been maintained in a satisfactory manner.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$1875.00 in favor of Orlando Investments., 221 Beechwood Ave, Middlesex, NJ 08846, for refund of Street Opening Permit No. 2015-004.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #191-16

The Governing Body hereby approves the Mayor and Borough Clerk execute the Department of the Army Corps of Engineers Right of Entry to survey, conduct test borings, and carry out such other exploratory work needed to complete the investigation being made of said lands by the Government on Block 239, Lot 25, and Block 258.01, Lot 1, Lee Drive Right of Way, Parker Street Right of Way, Denton Place Right of Way, Hallock Avenue Right of Way, Parker Road Right of Way, Middlesex County, New Jersey for the Green Brook Flood Damage Reduction Project.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #192-16

WHEREAS Chapters 317 and 318 of the Code of the Borough of Middlesex set forth the standards and requirements for maintenance and upkeep of properties within the Borough of Middlesex; and

WHEREAS the owner of record for a certain property located at 277 Lincoln Boulevard, Block 147 Lot 3 within the Borough of Middlesex has failed to comply with the standards and requirements for the maintenance and upkeep of that property; and

WHEREAS the owner of record of such property being Lincoln Holding Company, LLC having failed to comply with the standards and requirements for the maintenance and upkeep of that property; and

WHEREAS the Borough has incurred expensed totaling \$1,400 to abate and/or mitigate the failure of the owner of record to comply with the standards and requirements for the maintenance and upkeep of that property; and

WHEREAS the owner of record was found guilty in Municipal Court on October 11, 2012 for failure to comply with the standards and requirements for the maintenance and upkeep of that property totaling \$4,650 in Court fines and costs; and

WHEREAS under Chapter 317-14 and/o N.J.S.A. 40:48-2.13 the expenses incurred by the Borough of Middlesex shall be permitted to become a lien on the property for \$6,050;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey that:

1. The amount of \$6,050 shall be added to and become and form part of the taxes next to be assessed and levied upon such lands.
2. The Tax Collector's Office of the Borough of Middlesex shall be authorized to take such actions as is necessary and permitted to collect such amount.
3. This Resolution shall take effect immediately.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #193-16

THE DISBURSING OFFICERS BE AND THEY ARE HEREBY AUTHORIZED TO PAY THE ATTACHED CLAIM LIST AS PRESENTED, IF FOUND CORRECT, AND APPROVED BY THE FINANCE COMMITTEE. EXCLUDED VOUCHERS MAY BE PAID UPON BEING FOUND ACCEPTABLE.

Councilman Schueler made a motion for approval seconded by Councilman Gorr and carried by the following roll call vote: Ayes: Kaplan, Corley, Madden and Mikolajczyk. No: None. Abstain: None.

PUBLIC COMMENTS

Mayor DiMura opened the Public Portion of the meeting for any comments.

Rich Thomasey, 109 Green Avenue stated that with regard to Ordinance No. 1896-16 when he read it the ordinance seemed very subjective and limited and without an explanation the average person would question the wording of the ordinance that would limited the state regulations. Mr. Thomasey questioned if the borough could publish the state regulations that we would follow or add the words that it would “follow the state regulations at a minimum”.

Mayor DiMura acknowledged that Council President Kaplan has joined the Regular Meeting at this time.

Attorney Aithal indicated that in the state statute it preempts the local statute and the local ordinance can be more restrictive. He mentioned that the borough does not elect to be more restrictive then the state statute at this time. This ordinance mirrors the state statute and gives the municipality the flexibility to impose greater restrictions. The Attorney indicated that the ordinance adopts the state statute and that the language indicates exactly that by citing the State Statute.

Seeing that there was no further public participation, Mayor DiMura closed the public portion of the meeting.

DISCUSSION ON AGENDA WORKSHOP ITEMS

1. PSE&G Direct Install Program for Government – Administrator Goldberg discussed this Program where they will audit our lighting at the borough to see if we should switch to

LED lights and save the cost of electricity. We would be responsible for 30% of the cost to pay back over the next 36 months. The next step would be for them to do an audit, but there could be savings later on. Council approved moving forward with an audit.

2. Plainfield Property in Mountain View Park – Mayor DiMura moved this item to Executive Session.
3. Use of old Fire Chief's Car – Mayor DiMura stated that new Fire Chief's vehicle is now equipped and will better serve the Fire Department. Last year the council made the decision to purchase this vehicle as the old Fire Chief's car was 12 years old and repair costs were adding up. Mayor DiMura recommended that because of the condition of the vehicle and cost involved that the Council move forward to surplus this vehicle and put it up for sale, but salvage the radios in the vehicle. Councilman Greco questioned if it could be kept for a second vehicle for the Assistant Chief, and Mayor DiMura stated that from a fiscal standard it would not make sense to repair and keep this car for the Assistant Chief. Councilman Kaplan stated that he was originally in favor of giving this vehicle to the Assistant Chief, but the truck has a knock in the motor, the emergency lights need to be replaced, it would need new lettering and it needs a paint job due to rust. Also, once this vehicle would need to be replaced, the borough would have to purchase a new car on a continuing basis and now if the Chief goes out of town he now surrenders his vehicle to the Assistant Chief. Mayor DiMura indicated that from a fiscal standard it would not make sense to repair this vehicle and keep it for the Assistant Chief. A consensus of council was to surplus the vehicle at the next meeting.
4. Landlocked Property at the end of William Street – The Department of Energy is seeking assistance from the Borough to dedicate property along a paper street and the continuation of William Street and grant access by extending Williams Street on to private property. The proposal DOE has creates a 90 degree jog in the road where Williams Street ends and it continues with the full width of the road on borough property until it gets to the private property. Attorney Aithal advised the best course of action would be to see if the DOE would look to the private property owners in Piscataway and the Township of Piscataway and (1) dedicate one half of the width so that the road does not abruptly turn right 90 Degrees and then turn left 90 Degrees; and (2) the burden should not be shared entirely by dedication of the property by the Borough. Piscataway should contribute land, but the property owners should contribute to the improvements in the road, so that it is not on the taxpayers and they do not have to bear the cost for a private road. Borough Attorney Aithal has forwarded these suggestions of what we would consider to the DOE and we are awaiting a response.
5. Sewer Rehab Project – The Borough Administrator and Mayor DiMura met with the borough engineer and auditor to discuss the two lists from the DEP about outstanding items regarding the Borough that have not been completed. At this meeting a plan was discussed to do an I & I Study (infiltration) and a design to take care of the problem sections in the sewers and the issue to line them. The Mayor indicated that it is imperative that we move forward, so that we don't get hit with a fine by the DEP. Mayor DiMura is requesting the governing body's approval to give the engineer permission to move forward with the I & I study and design. The Mayor indicated that if we use the Infrastructure Trust Fund for a loan, and a loan through this fund would be split and 50%

of the principal will have a zero interest rate and the other 50% will be at the current interest, which is now at 2.45% (average .6 interest) . We have been told that the estimated project would be (11 million). The cost for the I & I Study and Design is approximately \$270,000, and our auditor advised us that we can do short term funding to get started with the project and then do paperwork through the trust fund. There was a consensus of council to give RVE permission to move forward with the I & I Study and Design for \$270,000.

PUBLIC COMMENTS

Mayor DiMura opened the Public Portion of the meeting for any comments on Agenda Workshop Items. Seeing that there was public participation, Mayor DiMura closed the public portion of the meeting on the Agenda Workshop Items.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #194-16

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

WHEREAS, the Governing Body of the Borough of Middlesex has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Middlesex will go into closed session for the following reason listed below as outlined in N.J.S.A. 10:4-12 and the minutes will be kept, and once the matter involving the confidentiality of the items no longer require confidentiality, the minutes can be made public.

1. Plumber Inspector Position
2. Hiring Attorney Ruitenberg – Piscataway Sewer Billing
3. Personnel - Recreation

ADJOURNMENT

Councilman Madden made a motion to adjourn the Regular Meeting seconded by Councilman Kaplan and carried by a unanimous vote of members present.

Respectfully yours,

Kathleen Anello, RMC
Borough Clerk